

SCANNED

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DOC # 34

May 23<sup>rd</sup> 2011

Hon. Colleen McMahon  
United State District Judge  
United States District Court  
Southern District of New York  
500 Pearls Street, NY, NY 10007

USDS SD-NY
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**REQUESTING YOUR PERMISSION TO ADD EVIDENCE**

Dear Hon. Judge McMahon

On may 5<sup>th</sup> 2011, I received a motion to dismiss from the defendant FMT representative (WilmerHale) Cosmin Maier, the motion to dismiss raise new issue which the defendant have opportunity to raise in his motion to dismiss on April 12 2011, and did not, again the defendant choose not to raise this issue on May 2 2011 motion to dismiss. The issue the defendant raised was "Ottah believes that a patentee can select component of a patent specification, combine those components with other components not even described in the patent specification at all"

This allegation is a serious matter, for the credibility of US patent 7152840, I addressed the issue(s) the defendant has raised using and directing the attention of the defendant, with page number, paragraph in the US 7152840 where his concern was addressed in clarity using the claimed drawing pages.

Your Hon. I plead that you admit May 13<sup>th</sup> 2011 affirmation of opposition to motion, while the defendant would like to remain blind to the truth, I have addressed his issue (s) having in mind that you have a decision that need clarity to make and that you will give both sides equal opportunity.

Sincerely  
Chikezie Ottah

*(Signature)*

MEMO ENDORSED

10 CIV. 7296 (CM)(DCF)

5/31/2011

On a motion to dismiss  
I consider only the pleading itself -  
not evidence. There is no  
need for any supplemental  
briefing. Request denied



File moved on 5/31/11

Copies: 1

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORKCHARLIE OTTAF

(In the space above enter the full name(s) of the plaintiff(s)/petitioner(s).)

10 Civ. 7296 (CM) (PCF)

- against -

1ST MOBILE TECHNOLOGIES

## AFFIRMATION OF SERVICE

(In the space above enter the full name(s) of the defendant(s)/respondent(s).)

I, CHARLIE OTTAF, declare under penalty of perjury that I have  
(name)served a copy of the attached LETTER TO THE JUDGE  
(document you are serving)upon COSMIN MARIU (FMT) whose address is 355 Park  
(name of person served)AVENUE, NEW YORK, NY 10022  
(where you served document)by U. S. postal SERVICE  
(how you served document: For example - personal delivery, mail, overnight express, etc.)Dated: 05/23/11, NY  
(town/city) (state)may 23, 2011  
(month) (day) (year)

Signature

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